

Initiative Measure No. 490

filed April 19, 2011

Vehicle Owners' Bill of Rights

AN ACT Relating to establishing a vehicle owners' bill of rights; amending RCW 46.17.355 and 46.63.170; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.63 RCW; creating new sections; and repealing RCW 46.17.365 and 46.68.415.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** Vehicle owners deserve respect. Vehicle owners' spending represents a huge portion of Washington's state and local economy, generating billions of dollars every year in tabs, taxes, and tickets. Vehicle owners are entitled to fair treatment. This measure establishes a vehicle owners' bill of rights to ensure that vehicle owners are treated fairly and reasonable policies are established and limits set for vehicle-related charges. The rights guaranteed by this act and the limits on vehicle-related charges are:

(1) TABS: Vehicle owners have a right to \$30 tabs. Voters have repeatedly approved \$30 tabs, yet politicians continually ignore the voters' repeated, unambiguous mandate by unilaterally

1 imposing higher and higher vehicle taxes and fees to get around the
2 voters' clear intent. \$30 means \$30. The legislature must adopt
3 and revise existing statutes to implement the policies, purposes,
4 and intent of this act's \$30 cap after the voters approve this
5 ballot measure.

6 (2) TICKETS: For-profit camera surveillance is simply
7 taxation-through-citation. The people intend to limit the costs of
8 for-profit camera surveillance by:

9 (i) Requiring the removal of automatic ticketing cameras that
10 have not been approved by voters at an election; and

11 (ii) Requiring voter approval for future automatic ticketing
12 cameras.

13
14 **VEHICLE OWNERS' BILL OF RIGHTS #1:**

15 **CAPPING VEHICLE LICENSE TAB FEES AT \$30 PER YEAR**

16 **(DOESN'T INCLUDE VOTER-APPROVED TAXES AND VOLUNTARY FEES)**

17
18 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.17
19 RCW to read as follows:

20 Required license tab fees may not exceed \$30 per year for motor
21 vehicles, regardless of year, value, make, or model, subject to the
22 requirements of RCW 46.17.350.

23 (a) For purposes of this chapter, "required license tab fees"
24 do not include:

25 (i) Voter approved taxes such as the tax levied by RCW
26 81.104.160; and

27 (ii) Voluntary fees such as paying extra for specialized
28 license plates.

29
30 **Sec. 3.** RCW 46.17.355 and 2010 c 161 s 530 are each amended to
31 read as follows:

32 (1) In lieu of the vehicle license fee required under RCW
33 46.17.350 and before accepting an application for a vehicle

1 registration for motor vehicles described in RCW 46.16A.455, the
2 department, county auditor or other agent, or subagent appointed by
3 the director shall require the applicant, unless specifically
4 exempt, to pay the following license fee by gross weight:

WEIGHT	SCHEDULE A	SCHEDULE B
((4,000 lbs.))	\$ ((38.00))	\$ ((38.00))
<u>4,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
((6,000 lbs.))	\$ ((48.00))	\$ ((48.00))
<u>6,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
((8,000 lbs.))	\$ ((58.00))	\$ ((58.00))
<u>8,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
((10,000 lbs.))	\$ ((60.00))	\$ ((60.00))
<u>10,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
12,000 lbs.	77.00	77.00
14,000 lbs.	88.00	88.00
16,000 lbs.	100.00	100.00
18,000 lbs.	152.00	152.00
20,000 lbs.	169.00	169.00
22,000 lbs.	183.00	183.00
24,000 lbs.	198.00	198.00
26,000 lbs.	209.00	209.00
28,000 lbs.	247.00	247.00
30,000 lbs.	285.00	285.00
32,000 lbs.	344.00	344.00
34,000 lbs.	366.00	366.00
36,000 lbs.	397.00	397.00
40,000 lbs.	499.00	499.00
42,000 lbs.	519.00	609.00
44,000 lbs.	530.00	620.00
46,000 lbs.	570.00	660.00
48,000 lbs.	594.00	684.00
50,000 lbs.	645.00	735.00
52,000 lbs.	678.00	768.00
54,000 lbs.	732.00	822.00
56,000 lbs.	773.00	863.00
58,000 lbs.	804.00	894.00
60,000 lbs.	857.00	947.00
62,000 lbs.	919.00	1,009.00
64,000 lbs.	939.00	1,029.00
66,000 lbs.	1046.00	1,136.00
68,000 lbs.	1091.00	1,181.00
70,000 lbs.	1175.00	1,265.00
72,000 lbs.	1257.00	1,347.00
74,000 lbs.	1366.00	1,456.00
76,000 lbs.	1476.00	1,566.00
78,000 lbs.	1612.00	1,702.00
80,000 lbs.	1740.00	1,830.00
82,000 lbs.	1861.00	1,951.00
84,000 lbs.	1981.00	2,071.00
86,000 lbs.	2102.00	2,192.00
88,000 lbs.	2223.00	2,313.00
90,000 lbs.	2344.00	2,434.00
92,000 lbs.	2464.00	2,554.00
94,000 lbs.	2585.00	2,675.00
96,000 lbs.	2706.00	2,796.00
98,000 lbs.	2827.00	2,917.00
100,000 lbs.	2947.00	3,037.00

102,000 lbs.	3068.00	3,158.00
104,000 lbs.	3189.00	3,279.00
105,500 lbs.	3310.00	3,400.00

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section are ~~((in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law))~~ subject to the requirements of section 2 of this act.

(5) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

**VEHICLE OWNERS' BILL OF RIGHTS #2:
REQUIRES THE REMOVAL OF AUTOMATIC TICKETING CAMERAS
UNLESS APPROVED BY VOTERS AT AN ELECTION AND REQUIRES VOTER APPROVAL
FOR FUTURE AUTOMATIC TICKETING CAMERAS**

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63 RCW to read as follows:

All automatic ticketing cameras installed or in use as of the date of passage of this measure must be removed no later than the effective date of this measure unless the camera program was subjected to a public vote and received the approval of voters at an election. Any government and any for-profit company contracted by any government may not install or use automatic ticketing cameras to impose fines from camera surveillance unless such a system is approved by a majority vote of the governing body of the governmental entity and a majority vote of the people at an election subject to the requirements of this act. For the purposes of this chapter, "automatic ticketing cameras" means a device that uses a vehicle sensor installed to work in conjunction with an intersection

traffic control system, or a speed measuring device, or a device affixed to a vehicle, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal, or exceeds a speed limit as detected by a speed measuring device, or fails to comply with other laws.

Sec. 5. RCW 46.63.170 and 2010 c 161 s 1127 are each amended to read as follows:

(1) The use of (~~automated traffic safety cameras~~) automatic ticketing cameras called red-light cameras and speed cameras and other for-profit camera surveillance for issuance of notices of infraction are subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance that is only valid if approved by a vote of the people at an election in that jurisdiction subject to the requirements of subsection 7 allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using (~~automated traffic safety cameras~~) automatic ticketing cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of (~~automated traffic safety cameras~~) automatic ticketing cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, (~~automated traffic safety cameras~~) automatic ticketing cameras may be used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009 if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations subject to the voter approval requirements in (a) of this subsection (1).

(d) (~~((Automated traffic safety cameras))~~) automatic ticketing cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an (~~((automated traffic safety camera))~~) automatic ticketing cameras, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an (~~((automated traffic safety camera))~~) automatic ticketing cameras may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(c) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other

than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an (~~automated traffic safety camera~~) automatic ticketing camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an (~~automated traffic safety cameras~~) automatic ticketing cameras.

(i) If a county or city has established an authorized (~~automated traffic safety cameras~~) automatic ticketing cameras program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of (~~automated traffic safety cameras~~) automatic ticketing cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of (~~automated traffic safety cameras~~) automatic ticketing cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an (~~automated traffic safety cameras~~) automatic ticketing cameras shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, (~~automated traffic safety cameras~~) "automatic ticketing cameras" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an (~~automated traffic safety cameras~~) automatic ticketing cameras includes a camera used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009.

(6) During the 2009-2011 fiscal biennium, this section, except (a) of this subsection (1), does not apply to (~~automated traffic safety cameras~~) automatic ticketing cameras for the purposes of section 218(2), chapter 470, Laws of 2009.

(7) Any governmental entity that seeks voter approval under subsection 1 must utilize a ballot title for the proposition that

reads substantially as follows: Proposition X concerns automatic ticketing cameras. This measure would allow the city/county/governmental-entity of ... and for-profit companies contracted with city/county/governmental-entity to use automatic ticketing cameras and charge vehicle owners \$... for tickets. Should this measure be approved or rejected? Yes No.

MISCELLANEOUS

NEW SECTION. **Sec. 6.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** This act is called the "Vehicle Owners' Bill of Rights."

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